



11 OCT 2006

William H. Logsdon  
Webb Ziesenheim Logsdon Orkin & Hanson PC  
700 Koppers Building  
436 Seventh Avenue  
Pittsburgh PA 15219-1818

|                                     |   |          |
|-------------------------------------|---|----------|
| In re Application of                | : | DECISION |
| VENKATESHAN et al.                  | : |          |
| Application No.: 10/539,889         | : |          |
| PCT No.: PCT/IN2003/000316          | : |          |
| Int. Filing Date: 18 September 2003 | : |          |
| Priority Date: 19 December 2002     | : |          |
| Attorney Docket No.: 4544-051935    | : |          |
| For: A PROCESS OF CHARACTERIZATION  | : |          |
| OF HEPATOCYTES FROM GOAT            | : |          |
|                                     | : |          |

This decision is in response to applicants' submission filed in the United States Patent and Trademark Office (USPTO) on 22 September 2006 which includes a declaration of inventors and a petition to revive under 37 CFR 1.137(b).

### **BACKGROUND**

On 18 September 2003, applicants filed international application PCT/IN2003/000316, which designated the U.S. and claimed a priority date of 19 December 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 05 August 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 20 June 2005 (19 June 2005 being a Sunday).

On 20 June 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee and the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage.

On 12 January 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that applicant must provide an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b). The NOTIFICATION set a two-month extendable period for reply.

On 05 September 2006, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 12 January 2006.

On 22 September 2006, applicants filed the instant submission which includes a declaration of inventors and a petition to revive under 37 CFR 1.137(b).

#### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), the declaration of inventors filed 22 September 2006 is in compliance with 37 CFR 1.497(a)-(b).

As to item (2), applicant submitted the petition fee on 22 September 2006.


As to item (3), the required statement has been provided.

#### **CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.



Daniel Stemmer

Legal Examiner

PCT Legal Affairs

Office of Patent Cooperation Treaty

Legal Administration

Telephone: (571) 272-3301

Facsimile: (571) 273-0459